Applicant Number



State of Franklin v. Clegane

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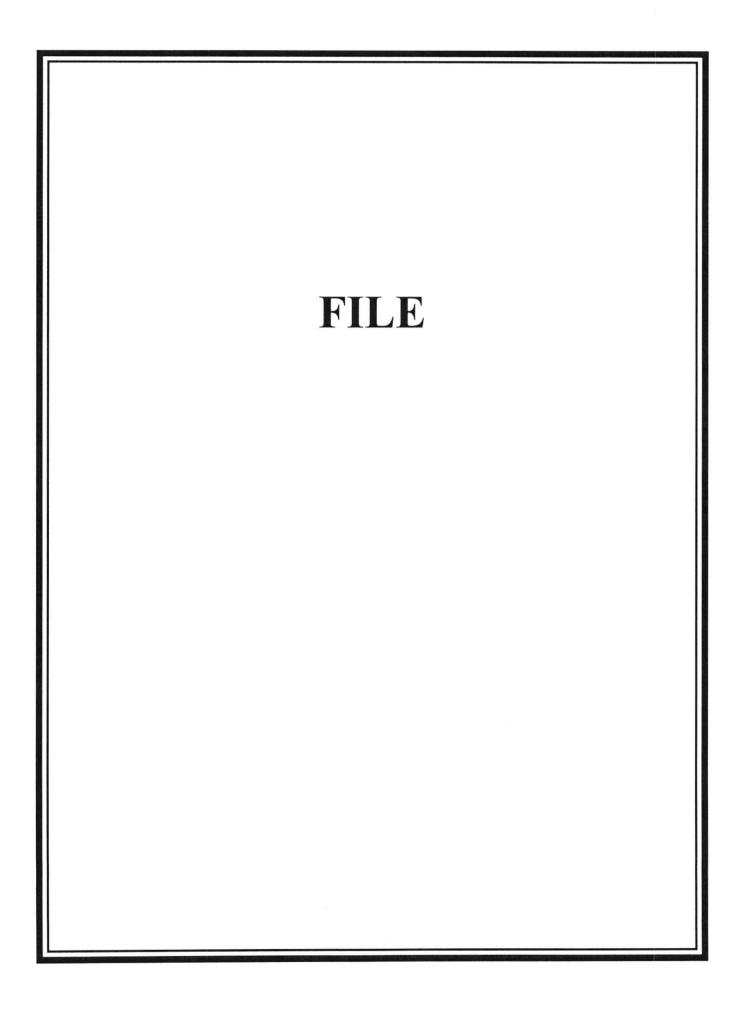
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State of Franklin v. Clegane

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Selmer & Pierce LLP

Attorneys at Law 412 Valmont Place

Franklin City, Franklin 33703

MEMORANDUM

To:

Examinee

From:

Anna Pierce

Date:

February 27, 2018

Re:

State of Franklin v. Clegane

We represent Sarah Karth. Sarah Karth's sister, Valerie Karth, was physically injured and

incapacitated last summer when an unsupervised teenager set off fireworks at a neighborhood

Fourth of July party. The teenager, a minor, was also injured. Valerie Karth was struck by the

fireworks and also suffered economic injury because sparks from the fireworks started a fire that

burned her garage to the ground.

The man who sold the fireworks to the teenager, Greg Clegane, was convicted of the felony of

unlawful sale of fireworks to a minor. Clegane's sentencing hearing is in two weeks. Sarah Karth

wishes to read victim-impact statements at the sentencing hearing both on her own behalf and on

Valerie's behalf. She has also submitted a request that Clegane pay restitution for the losses she

and her sister have sustained because of his actions.

Last week the prosecution notified Sarah that Clegane's counsel has filed a motion to (1) exclude

the proposed victim-impact statements at the sentencing hearing, arguing that Sarah and Valerie

are not victims within the meaning of the Franklin Crime Victims' Rights Act (FCVRA); and (2)

deny their restitution requests. A copy of Clegane's motion is attached.

I intend to file a brief in opposition to this motion on behalf of Sarah asking that the court

include Sarah's and Valerie's victim-impact statements and order Clegane to pay restitution to

both of them. Please draft the argument section of our brief. In drafting your argument, be sure to

follow the attached guidelines. Make the most persuasive argument possible under the FCVRA

and relevant case law.

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Selmer & Pierce LLP

OFFICE MEMORANDUM

To:

Associates

From:

Managing Partner

Date:

July 8, 2012

Re:

Guidelines for Persuasive Briefs in Trial Courts

The following guidelines apply to persuasive briefs filed in support of motions in trial courts.

I. Captions

[omitted]

II. Statement of Facts

[omitted]

III. Legal Argument

Your legal argument should make your points clearly and succinctly, citing relevant authority for each legal proposition. Do not restate the facts as a whole at the beginning of your legal argument. Instead, integrate the facts into your legal argument in a way that makes the strongest case for our client.

Use headings to separate the sections of your argument. Your headings should not state abstract conclusions, but rather integrate factual detail into legal propositions to make them more persuasive. An ineffective heading states only: "The court should not admit evidence of the victim's character." An effective heading states: "The court should refuse to admit evidence of the defendant's character for violence because the defendant has not raised a claim of self-defense."

In the body of your argument, analyze applicable legal authority and persuasively argue how both the facts and the law support our client's position. Supporting authority should be emphasized, but contrary authority should also be cited, addressed in the argument, and explained or distinguished.

Finally, anticipate and accommodate any weaknesses in your case in the body of your argument. If possible, structure your argument in such a way as to highlight your argument's strengths and minimize its weaknesses. Make concessions if necessary, but only on points that do not involve essential elements of your claim or defense.

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